

Doc. 1887

Page 1

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U.S.S.R.
People's Commissariat
of the Navy

CHIEF of
Naval General Navy Staff
of the U.S.S.R. Navy

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append. to N. 34563 c

Moscow

TO GOVERNMENT S.A.

ASSOCIATE PROSECUTOR FOR THE

SOVIET UNION IN THE INTERNA-

TIONAL MILITARY TRIBUNAL IN

TOKYO.

I Inform you that the Naval General Staff of the U.S.S.R. Navy has at its disposal the following data on the measures taken by Japan to tie up the Soviet navigation in the course of World War.

These measures may be divided into the following three groups:

1. Closing for navigation the straits connecting the open seas which was a violation of the freedom of the seas and violation of article 9 of the Portsmouth treaty concerning the navigation in the straits of Laperouse..

2. Examining and holding up on Soviet ships by the Japanese command accompanied by the violation of generally recognised principles of international law:

3. Attacking and sinking of Soviet ships.

1. At the beginning of World War II Japan proclaimed the Straits of Laperouse, Sangar and Korea her "Naval defensive zones" (Statement N 38 of the Naval Ministry, in the official government Bulletin "Kampo", December 8, 1941).

This measure enabled the Japanese authorities to control the Japanese Sea and its outlets and was directed against the U.S.S.R.

An attempt to establish a control of this kind on the part of Japan had already taken place before Japan entered the war.

This is testified by the statement of the Japanese Ambassador in Moscow addressed on August 25, 1941 to the People's Commissar of Foreign Affairs of the U.S.S.R. to the effect that the shipment from the U.S.A. to Vladivostok of the materials purchased by the U.S.S.R. creates an "embarrassing and a very delicate situation" for Japan, so far as these purchases are shipped close to the Japanese territory. In connection with this the Japanese government requested that the Soviet government should pay serious

attention to that fact, especially to the question of the routes and means of these shipments.

In reply to this the Soviet government found it necessary to make a statement that it could not but consider the attempt to hinder the trade between the U.S.S.R. and the USA through the Far-Eastern ports and unfriendly act towards the U.S.S.R. ("In The People's Commissariat of Foreign Affairs" - statement published in the Moscow Press, August 26, 1941).

Since June, 1941 the Japanese Authorities proclaimed the stretch of water to the west of the Pescador Islands to the Chinese mainland in the straits of Formosa a dangerous zone for navigation. The said zone practically blocks the straits of Formosa (it stretches about 60 miles longitudinally and about 100 miles latitudinally).

Since August 15, 1944 a zone around Formosa Island stretching 25 miles from the shore was additionally proclaimed dangerous for navigation. Furthermore, according to the earlier data the approaches to the straits of Hoko-ko from the South and the North (On the Formosa Island to the east of the Pescador Islands) were mined. The approaches to the ports of the Chinese coast located in the Straits were mined as well.

Whereas there is an agreement (exchange of notes, 19/VII -- 18/X 1895) between the Russian and the Japanese governments on the status of the straits in accordance with which the Japanese government asserted that the straits of Formosa were an important international sea-route, and that "therefore this straits are outside the sphere of its exclusive control and use". (E.D. Grimm. Symposium of treaties and other documents on the history of international relations in the Far East, 1927).

Legal status of Soviet trade shipping (before the declaration of war by the U.S.S.R. on Japan) was determined by their belonging to a neutral country. Since the straits were proclaimed by Japan "naval defensive zones" the neutral Soviet trade ships might have had the right to go not only through the Straits of Laperouse (art. 9 of the Portsmouth treaty), but also through the Sangar, Korean and Formosa Straits, straits of international importance.

The Soviet Union was particularly interested in using the Sangar Straits, which directly connect the Japanese Sea with the Pacific.

The use of Laperouse Straits for navigation is less advantageous. In the first place, the straits connect the Japanese Sea with the Sea of Okhotsk, and the latter with the Pacific through the Kuril Straits, which naturally, makes the route longer and hampers shipping, and secondly, soviet ships can pass through the Laperouse straits from January to April only with the help of powerful icebreakers.

The Soviet government frequently requested that the Japanese government open the Sangar straits free from ice in the winter months for Soviet trade ships, but those requests were declined under the pretext that this zone was a defensive one.

By way of compromise the Japanese suggested that Soviet ships navigate through the Korean straits and further North, to the East of the Kyushu and Honshu Islands.

At first it was not necessary to keep to a definite fairway to pass through the straits, but on February 14, 1942, the Japanese Command fixed the limits of fairways, and on January 21, 1943, the conditions of navigation for Soviet ships passing through the Korean Straits were again changed. In the straits and around the Island of Kyushu new fairways were fixed. For the navigation in the Pacific were indicated border limits which the Soviet ships were not allowed to cross and approach the coastline of the Island of Honshu besides the fact, that the route through the Korean straits indicated by the Japanese was disadvantageous, it was dangerous for navigation and threatened the safe sailing of Soviet vessels, which is corroborated by the shipwreck of the "Angarostroi", the "Kola", and the "Ilmen" (Appendix N 4).

After these shipwrecks Soviet boats stopped navigating in the Korean Straits. The Straits of Laperouse were practically closed since the Japanese had left only two narrow fairways for the passage of Soviet ships.

The passage through the fairways of the Laperouse Straits during the winter months took extra fifteen days for the ships could only pass with the help of icebreakers there often was a danger for the ships to get jammed and drift icebound.

2. The right of the belligerent party to stop and examine the tradeships of neutral countries, was resorted to by the Japanese Naval Command, not only in full measure but also so captiously (including holding up ships for a long time) that it rendered navigation in the Laperouse, Korean and Kuril Straits practically impossible. Below is given a table of the number of stoppages and delays by the Japanese of the Soviet ships bound overseas in the Pacific from August 1941 to the end of the year 1944.

T A B L E

Destination Regions	Laperouse Straits	Korean Straits	Kuril Straits	Other regions	Total	Notes
En route to USA	45	28	3	2	78	Out of 178 ships 3 were held up by the use of arms; 9 ships were taken to the Japanese ports.
En route from USA	63	24	9	4	100	
Total	108	52	12	6	178	

The "Ingul" bound in April 1943 for Vladivostok from Seattle (USA), and having on board as a general cargo heavy loads and foodstuffs is an example of prolonged holding up of Soviet ships.

At 9.02, April 29, the ship was held up by a Japanese patrol boat and was released only on June 28, 1943. (Appendix N 2).

On examining the ships the Japanese officers offered the captains to sign certificates prepared beforehand by the Japanese Naval Command according to a certain form (Appendix N 2). Demanding signing such certificates is contrary to the principles of international law.

3. Deliberately creating difficulties for the navigation of Soviet trade vessels on the routes Vladivostok-Petrozavodsk-USA ports, the Japanese did not hesitate to destroy soviet ships, whenever they considered it expedient.

The following documents are given in the appendixes:

a. Extracts from the detailed report of the captain of the "Vanzette" which was attacked by a Japanese plane and later was towed to the harbour of Kusimoto (Appendix N 3).

b. Description (based on the captains' reports) of the sinkings of the ships: the "Krechet", "Penkop", "Mailkop", "Angarstroy", "Ilmen", "Kola", "Belorussia" (Appendix N 4).

ADMIRAL OF THE FLEET (Signed Isakov)

CERTIFICATE OF TRANSLATION OF
THE ABOVE DOCUMENT

I, A. KUNIN, hereby certify that I am thoroughly conversant with the Russian and English languages; and the above is a correct and true translation of the indicated document.

A. KUNIN